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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,536	02/21/2002	Stefan Berger	YOR920010762US2	5938
7590	06/20/2005		EXAMINER	
Louis P. Herzberg Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 06/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/082,536	BERGER ET AL.
	Examiner	Art Unit
	Daniel L. Greene	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 February 0200.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-48 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 February 0200 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>6/7/2005</u> |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

1.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, 7-25, 30, 42 and 47-48, drawn to routing data, classified in class 707, subclass 4.
- II. Claims 4-6, drawn to identifying/verifying identification, classified in class 640, subclass 5.8.
- III. Claims 26-29, drawn to encrypting data, classified in class 705, subclass 50
- IV. Claims 31-34, and 43 drawn to employing a communications network, classified in class 709, subclass 238.
- V. Claims 35 and 44, drawn to using a unique device identifier, classified in class 340, subclass 5.8.
- VI. Claims 36-37, drawn to distributing data to multiple recipients, classified in class 713, subclass 150.
- VII. Claims 38-41 and 46, drawn to employing a computer display terminal, classified in class 345, subclass 762.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II, II, IV, V, VI, and VII are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the

combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

3. In the instant case, Invention I has separate utility such as routing a first portion of information to a first device and another portion of the information to one other device in response to a user's query.
4. In the instant case, Invention II has separate utility such as identifying and verifying identification.
5. In the instant case, Invention III has separate utility such as encrypting data.
6. In the instant case, Invention IV has separate utility such as employing a communications network.
7. In the instant case, Invention V has separate utility such as using a unique device identifier.
8. In the instant case, Invention VI has separate utility such as distributing data to multiple recipients.
9. In the instant case, Invention VII has separate utility such as employing a computer display terminal.
10. See MPEP & 806.05(d)
11. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by the different classifications, restriction for examination purposes as indicated is proper.

12. A telephone call was made to Louis P. Herzberg on 6/7/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

14.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

16. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

17. Claim 4 recites the limitation "combination of said criteria" in line 14, page 23.

There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3621

18. Claim 14 recites the limitation "any combination of the above" in line 13, page 25.

There is insufficient antecedent basis for this limitation in the claim.

19. Claim 20 recites the limitation "any combination of the above criteria" in line 12, page 26. There is insufficient antecedent basis for this limitation in the claim.

20. Claims 32 and 33 recite the limitation "comprising at least one step taken from a group of steps including" in lines 3-4, 19-20, page 30. There is insufficient antecedent basis for this limitation in the claim.

21.

Claim Objections

22. Claims 46-48 are objected to because of the following informalities: There is no claim 45. Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

6/7/2005


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222